

Yeas—28.

Beck.	Parr.
Collie.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Blackert.	DeBerry.
Cousins.	

Adjournment.

On motion of Senator Woodward, the Senate, at 5:40 o'clock p. m., adjourned until 10 o'clock Monday morning.

APPENDIX.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 9, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 168,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred S. B. No. 13,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

COUSINS, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Contingent Expense, to whom was referred S. R. No. 41,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODRUFF, Chairman.

TWENTY-FIRST DAY.

Senate Chamber,
Austin, Texas,
February 13, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Blackert.	Cousins.
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Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senators Woodward and Oneal:
S. J. R. No. 12, Proposing to amend Sections 1, 2, 6 and 7 of Article V, of the Constitution of Texas, the same being the article creating the Judicial Department of the State, so as to make Sections 1, 2, 6 and 7, of Article V, read as follows; etc.

Read and referred to Committee on Constitutional Amendments.

By Senator Neal:

S. B. No. 208, A bill to be entitled "An Act validating all cities and towns in Texas of 5,000 inhabitants

or less heretofore incorporated and/or attempted in good faith to be incorporated under the general laws of Texas; and validating all governmental proceedings performed in good faith by the governing bodies of such cities and towns since their incorporation or attempted incorporation respectively; and declaring an emergency."

Read and referred to Committee on Towns and City Corporations.

Senators Excused.

The following Senators were excused for the day:

Senator Blackert, illness, on motion of Senator Sanderford.

Senator Cousins, important business, on motion of Senator Redditt.

Message from the Governor.

Executive Office.

Austin, Texas, Feb. 13, 1933.

To the Forty-third Legislature:

From sources which I deem entirely reliable, it has come to my knowledge that the State Highway Department in the face of the law and in the face of an opinion of the Attorney General in January 1932, began about one year ago to divert the revenues of the Highway Department to the construction of roads for twenty-two counties in Texas which now amounts to the approximate sum of \$1,945,722.00, and agreed to accept checks on the Security Trust Company of Austin drawn by the counties in payment for said work as same was completed.

The said twenty-two counties deposited various bonds and securities owned by them, but not issued by them, of the par value of \$2,119,328.00 with a local bank as trustee for the Security Trust Company and the State Highway Commission to secure payment of the road construction in their respective counties. At the time said bonds and securities were deposited, I am informed that the Highway Commission knew, or by the exercise of diligence could have known, that said bonds and securities were of doubtful value and were not in any event worth anything like their par or face value.

My information further is that the said Highway Commission continued to divert highway revenues accruing from the gasoline tax and license fees to said road construction for which said counties issued their re-

spective checks and drafts on the said Security Trust Company in payment for said construction as previously agreed. My information is that the Highway Commission and the Security Trust Company, although said institution was then in liquidation, agreed that said checks issued by the counties would not be presented for payment and would be held and acquired by the Highway Commission. My information is, that the Highway Commission now has and holds and has held same for nearly a year, these unpresented checks and drafts drawn by said counties in the amount of some \$1,077,426.00 and that said Security Trust Company is still in liquidation and is not in funds to pay said checks or drafts.

My information is that the bonds so deposited by the various counties in the said amount of \$2,119,328.00 are not worth more than an average of forty cents on the dollar, or of a total value of \$847,731.00. Subtracting the value of said bonds from the amount of the State Highway Department funds diverted by the Highway Commission in the construction of roads in said twenty-two counties amounting as above stated to \$1,945,722.00, there is a shortage or loss of State Highway funds of \$1,097,991.00.

I am informed that many of the counties did not know until recently that their checks had not been presented and were still being held by the Highway Commission.

I am informed that the Attorney General informed the Highway Commission in a written opinion that the law did not authorize them to so use State Highway funds and that such action was prohibited by law.

As the loss of the Highway funds appears to be over one million dollars, I deem it my duty to bring said facts to your attention for such consideration as you may deem necessary.

I am making other investigation of the disposition of other State funds and hope to bring same to your attention soon.

MIRIAM A. FERGUSON,
Governor.

The message was read.

Senator Woodward sent up the following written motion:

I move that in connection with the message just received from the Governor that before any action is

taken on the message that the Governor, Mrs. Miriam A. Ferguson, be requested to submit in writing to the Senate, the source of her information in reference to the matters and things charged in the message, including the list of counties involved, and that the Senate resolve itself into a Committee of the Whole for a hearing of the charges and a determination of the facts in reference thereto, Thursday morning at ten thirty (10:30) o'clock, at which time the Senate may also investigate charges which may have been made to the effect that the Highway Commission was one hundred million dollars short.

WOODWARD.

The motion was read.

Senator Woodruff sent up the following substitute motion:

Mr. President: I move as a substitute to the motion of the Senator from Coleman, that the message of the Governor be returned to the Chief Executive with the request that she re-submit same, furnishing in connection therewith full information in detail as to the persons, firms, banks and counties referred to in the message, and also that she attach thereto a bill of particulars concerning her recent campaign allegations of misappropriation, misapplication, and wanton waste of over a hundred million dollars of State Highway funds, and that same be filed in the Senate on or before 11 a. m., Wednesday, February 14, 1933.

WOODRUFF.

The substitute was read.

On motion of Senator Sanderford, the substitute motion was tabled.

Senator Martin raised the point of order that the last part of the motion by Senator Woodward relative to the \$100,000,000 shortage was not germane.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

Senator Stone sent up the following amendment:

Amend the motion by striking out the following: "at which time the Senate may also investigate charges which have been made to the effect that the Highway Commission was one hundred million dollars short"

and substituting in lieu thereof the following: "at which time the Senate may also investigate any and all other charges which have been made or which may arise in connection with the conduct of the affairs of the Highway Department."

STONE.

The amendment was read and adopted.

The motion as amended was adopted by the following vote:

Yeas—28.

Beck.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent.

Hopkins.

Absent—Excused.

Blackert.

Cousins.

Senate Simple Resolution No. 41.

The Chair laid before the Senate: S. S. R. No. 41, Relating to employment of additional secretaries by the Senators.

The pending amendment was read.

Senator Rawlings received unanimous consent that the employment of additional secretaries as provided by the amendment be restricted to one additional secretary for each Senator.

Senator Moore moved to table the amendment. The motion was lost.

The amendment was adopted by the following vote:

Yeas—17.

Beck.	Redditt.
Duggan.	Regan.
Fellbaum.	Russek.
Greer.	Sanderford.
Pace.	Stone.
Parr.	Woodruff.
Patton.	Woodul.
Purl.	Woodward.
Rawlings.	

Nays—11.

Collie.	Murphy.
DeBerry.	Neal.
Holbrook.	Oneal.
Hornsby.	Poage.
Martin.	Small.
Moore.	

Absent.

Hopkins.

Absent—Excused.

Blackert. Cousins.

Senator Rawlings raised the point of order that the 30 minutes allowed for consideration of resolutions had expired.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

Senator DeBerry asked that the time be extended in order to dispose of the resolution.

Senator Rawlings raised the point of order that this amounted to changing or suspending the Senate rule and must be done by a two-thirds vote.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

Senator DeBerry asked unanimous consent to extend the time in order to dispose of the resolution.

Objection was heard.

Senator Woodruff moved to suspend the rule until the resolution was disposed of.

Senator Collie raised the point of order that this resolution related to appropriations and under the rules was exempt from the customary limitation on simple resolutions.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order, holding that the rule did not apply to appropriations contained in simple resolutions.

Senator Woodward moved as a substitute for the pending motion that the rule be suspended and the time for consideration of this resolution be extended 15 minutes.

Senator Purl raised the point of order that it was necessary to suspend the rule first and then fix the time.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order, holding that it was in order to include a time limit in the motion to suspend the rule.

The substitute motion was adopted by the following vote:

Yeas—20.

Beck.	Oneal.
Collie.	Patton.
DeBerry.	Poage.
Fellbaum.	Purl.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Sanderford.
Martin.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Nays—8.

Duggan.	Rawlings.
Moore.	Russek.
Pace.	Small.
Parr.	Stone.

Absent.

Hopkins.

Absent—Excused.

Blackert. Cousins.

Senator Holbrook sent up the following amendment:

We move that the 17th, 20th, 24th, 11th, 10th, 21st, 2nd, 15th and 8th Senatorial Districts be stricken from the resolution.

HOLBROOK,	MOORE,
HORNSBY,	RUSSEK,
COLLIE,	DeBERRY.
PURL,	

Read and adopted.

The resolution as amended was adopted by the following vote:

Yeas—17.

Beck.	Redditt.
Duggan.	Regan.
Fellbaum.	Russek.
Greer.	Sanderford.
Hopkins.	Small.
Pace.	Stone.
Parr.	Woodul.
Patton.	Woodward.
Rawlings.	

Nays—10.

Collie.	Holbrook.
DeBerry.	Hornsby.

Moore. Oneal.
Murphy. Poage.
Neal. Woodruff.

Present—Not Voting.

Martin. Purl.

Absent—Excused.

Blackert. Cousins.

Motion Concerning Use of Senate Chamber.

Senator Neal moved to grant the joint meeting of the Committees on Education of the House and Senate the use of the Senate Chamber, Wednesday night, beginning at 7 o'clock.

The motion prevailed.

Senate Simple Resolution No. 46.

Senator Woodruff sent up the following resolution:

Whereas, In the Democratic campaign for nomination for the governorship of Texas, in the year 1932, numerous charges were made by candidates and spokesmen for candidates on the Democratic nomination for Governor, which charges were made both orally and published in newspapers to the effect that there had been misapplied, misappropriated and/or wantonly and recklessly wasted One Hundred Million Dollars of Texas State Highway funds; and,

Whereas, If such charges are based on fact and are true and correct, it indicates gross misfeasance and/or malfeasance in office by the members of the Highway Commission of the State of Texas which are of such serious character as to constitute grounds for removal from office of each and all of said Highway Commissioners; and,

Whereas, The citizens of this State are entitled to know whether or not the same are true; and,

Whereas, On Thursday, February 16, A. D. 1933, the Senate will resolve itself into a Committee of the Whole for the purpose of inquiring into certain other charges made by the Governor of this State, with respect to the management and expenditure of certain other sums of money belonging to the State Highway Fund at which time inquiry ought to be made into the affairs of the State Highway Commission, and which could, in the interest of time or dispatch, be taken up; therefore, be it

Resolved, That the Hon. Miriam A. Ferguson, Governor of Texas, be and she is hereby respectfully requested to furnish in connection with the information heretofore requested of her and attach thereto a bill of particulars setting out in detail, for the information of the Senate, the facts and circumstances upon which she, as a candidate for the office of Governor of Texas, charges the present Highway Commission had misappropriated, misapplied and wantonly wasted and/or unwisely expended One Hundred Million Dollars of State Highway Funds and that the Senate inquire into such matters in connection with its inquiry of the matters referred to, and in the Governor's message of February 13th, 1933.

WOODRUFF.

The resolution was referred to the Committee on State Highways and Motor Traffic.

Adjournment.

On motion of Senator Moore, the Senate, at 12:14 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Feb. 10, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 153 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 13, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred S. B. No. 146,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following committee amendment, and be not printed:

Amend S. B. No. 146 by adding at the end of Section 1 the following:

"This Act shall not apply to any district the organization or creation of which is now involved in litigation."

NEAL, Chairman.

TWENTY-SECOND DAY.

Senate Chamber,
Austin, Texas,
February 14, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Blackert. DeBerry.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senators Beck, Purl, Moore, DeBerry, Hornsby, Woodruff:

S. B. No. 209, A bill to be entitled "An Act amending Article 3883 of the Revised Civil Statutes of 1925, as amended by the Acts of the Forty-second Legislature, Chapter 340; fixing the maximum annual fees of office authorized to be retained by certain district, county and precinct officers named herein; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senators Beck, Purl, Moore, DeBerry, Hornsby, Woodruff:

S. B. No. 210, A bill to be entitled "An Act amending Article 3883 of the Revised Civil Statutes of 1925, as amended by the Acts of the Forty-second Legislature, Chapter 340; fixing the maximum annual fees of office authorized to be retained by certain district, county and precinct officers named herein; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senator Neal:

S. B. No. 211, A bill to be entitled "An Act to amend Article 2350 of the Revised Civil Statutes of Texas, of 1925, relating to annual salaries of county commissioners by providing that in all counties having a population of less than 32,500 according to the 1930 United States Census, and in which counties the assessed value of the property of such counties is \$82,000,000 or more, according to the 1932 assessment roll, shall receive a salary not exceeding \$3,300.00 per annum and in addition thereto may receive a sum of \$600.00 per annum for expenses of an automobile, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Small:

S. B. No. 212, A bill to be entitled "An Act defining 'Person,' 'Physician,' 'Dentist,' 'Veterinarian,' 'Manufacturer,' 'Wholesaler,' 'Apothecary,' 'Hospital,' 'Laboratory,' 'Sale,' 'Coca Leaves,' 'Opium,' 'Cannabis,' 'Narcotic Drugs,' 'Federal Narcotic Laws,' 'Official Written Order,' 'Dispense,' and 'Registry'; making it an offense to manufacture, compound, mix, cultivate, grow, or in any other way produce or prepare narcotic drugs except under license obtained from Comptroller of Public Accounts, and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senator Purl:

S. B. No. 213, A bill to be entitled "An Act amending Articles 4896, 4897, 4898 and 4899, Chapter 10, Title 78, Revised Civil Statutes of 1925, authorizing the State Fire Marshal to make investigation of fires and fraudulent attempts to collect money under fire insurance poli-